

**IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OHIO,
WESTERN DIVISION**

BMO Bank, N.A.,

Plaintiff,

v.

Gym Supply Warehouse, LLC, *et al.*,

Defendants.

Case No. 3:24-cv-01632

Judge James G. Carr

**ORDER -
ENTRY OF DEFAULT**

Background

This matter comes before the Court on Plaintiff's, BMO Bank, N.A., Motion (Request) for Entry of Default Judgment against all Defendants, Gym Supply Warehouse, LLC, Jason Clark, Robert Roth, and Andrew Slone, pursuant to Fed. R. Civ. P. 55(a).

This action is one of Breach, Replevin, Specific Performance, and Injunctive Relief. Plaintiff is the lender and Defendants the borrower(s). Plaintiff entered into three Loan and Security Agreements with Defendants (January 20, 2020; February 20, 2020; and April 19, 2021). (Doc. 1, pgID 3-4). Defendants put up four Volvo tractors as Collateral. (*Id.*, pgID. 4.).

Defendants defaulted on the loan payments beginning January 1, 2024. The notes were accelerated, and as of July 2024, Defendants owed at least \$103,357.25, plus interest, late charges, and other fees. (*Id.* at 5-6). Therefore, Plaintiff claims, as of July 29, 2024, it is due \$111,978.33 plus attorney fees and expenses. (*Id.* at 6).

Analysis

In examining service upon the three individual Defendants, Defendant Robert Roth was served by leaving a copy of the Summons and Complaint with his wife, Joyce Roth, at their residence (1704 Kingsbury Dr., Saint Marys, Ohio 45885) on October 1, 2024. (Doc. 4).

Defendant Andrew Slone was served by leaving of copy of the Summons and Complaint with his wife, Alicia Slone, at their residence (9281 Donatello Dr., Dublin, Ohio 43016) on October 21, 2024. (Doc. 5).

Defendant Jason Clark was served by leaving a copy of the Summons and Complaint with his wife, Andrea Clark, at their residence (225 S. Wayne St., Saint Marys, Ohio 45885) on October 2, 2024. (Doc. 7).

Plaintiff filed an affidavit and accompanying documents in support to demonstrate that all individuals (non-minors) were properly served in accordance with Fed. R. Civ. P. 4(e)(2)(A), (B). Each had 21 days from service to respond. None filed an Answer or otherwise filed a responsive pleading. All are in default.

As to the fourth Defendant, Gym Supply Warehouse, LLC, a copy of the Summons and Complaint was personally delivered to Jason Clark, agent, at the usual place of business (315 Freewalt Way, Saint Marys, Ohio 45885) on October 2, 2024. (Doc. 6). Based on the affidavit in support, the corporate Defendant was also properly served under Fed. R. Civ. P. 4(h)(1)(B) on October 2, 2024. The LLC also failed to file an Answer or otherwise plead within the timeframe allowed and is also therefore in default.

Therefore, Plaintiff's Motion should be granted in accordance with Fed. R. Civ. Pro. 55(a).

Conclusion

On review of the Plaintiff's Motion for Entry Default Judgment (Doc. 8), it appearing that all Defendants, despite being duly and properly served with a Summons and Complaint, have failed, within the time permitted, to file an Answer or other responsive pleading, it is hereby,

Ordered that:

1. Plaintiff's Motion for Entry of Default Judgment (Doc. 8) is **granted**;
2. The default of all Defendants be, and the same hereby is, entered, and the Clerk shall record same;
3. Plaintiff, BMO Bank N.A., shall, within **twenty-one (21) days** of the date this Order/Entry of Default is filed, submit an affidavit supporting all damages, including any claimed fees and costs, to which it now is entitled, along with a proposed Order of Judgment regarding all legal and equitable relief due; and
4. The Clerk shall, upon Plaintiff's compliance with this Order, cause the electronic signature of the undersigned to be endorsed thereon, file the Order, and enter default judgment in favor of Plaintiff against all Defendants.

So ordered.

Date: 1/4/2025

/s/ James G. Carr
Sr. U.S. District Judge